

2003 DRAFTING REQUEST**Bill**Received: **11/14/2002**Received By: **agary**Wanted: **Soon**

Identical to LRB:

For: **Carol Owens (608) 267-7990**By/Representing: **Jacque Dicks (aide)**This file may be shown to any legislator: **NO**Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**Extra Copies: **TNF, ARG**Submit via email: **NO****Pre Topic:**

No specific pre topic given

Topic:

Prohibiting cell phone use while driving

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 11/15/2002	kfollett 11/15/2002 kfollett 11/19/2002					
/1			jfrantze 11/19/2002		sbasford 11/19/2002		
/2	agary 11/27/2002	jdyer 11/27/2002	rschluet 11/27/2002		sbasford 11/27/2002	mbarman 12/03/2002	

12/03/2002 03:03:14 PM

Page 2

FE Sent For:

*None
needed*

<END>

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<END>

11/19/2002 10:22:24 AM

Page 6

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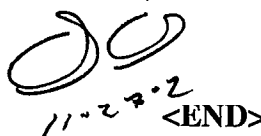
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11-27-02 <END>

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FE Sent For:

11/16 JF 7/11/19
11/15
11/18 JLD
Self
11/19
<END>

Gary, Aaron

From: Dicks, Jacque
Sent: Thursday, November 14, 2002 4:02 PM
To: Gary, Aaron
Subject: RE: cell phone use while driving

Aaron,

Thank you for the prompt response!

Yes, 2001 AB 240 appears to be what Rep. Owens would like to introduce for the upcoming session. Please submit it for drafting, and I will have her look at the language of the bill when she is in Madison next Tuesday.

Thank you,

Jacque

-----Original Message-----

From: Gary, Aaron
Sent: Thursday, November 14, 2002 3:49 PM
To: Dicks, Jacque
Subject: cell phone use while driving

<< File: 01-2260/2 >>

Hi Jacque,

With regard to our conversation a few minutes ago, there was a bill, AB-240, introduced last session that prohibits cell phone use by all drivers, not just "young" drivers (i.e., those operating under instruction permits or probationary licenses). For your convenience, I have attached a copy of the bill to this e-mail. Do you want me to draft something similar to AB-240 for Rep. Owens for this session? If so, are there any changes you would like made? Thank you. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

Hi from Jacque Dicks ⁷⁷⁹⁹⁰ 11/14/02 3:40 p

wants draft like 2001 AB 202 prepared for Rep. Owens but make it apply to all drivers, not just those operating under instruction permit or probationary license; also wants to know if there was any bill like this introduced last session; wants it soon

2003 - 2004

2001-2002 LEGISLATURE

0730/1
LRB-2000
ARG: JLF
redraft make
not run
D-note

Seen
in
11/15

2003

2001 ASSEMBLY BILL 240

PWF
as
indicated

March 22, 2001 - Introduced by Representatives COLON, BOYLE, CARPENTER, BERCEAU and CULLEN. Referred to Committee on Highway Safety.

REGEN

- 1 AN ACT to amend 346.95 (2), and to create 346.895 of the statutes; relating to:
2 operating a motor vehicle while using a cellular or other mobile telephone and
3 providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits inattentive driving, which means that a driver of a motor vehicle may not be so engaged or occupied as to interfere with the safe driving of the vehicle. Any person convicted of inattentive driving may be required to forfeit not less than \$20 nor more than \$400.

* This bill generally prohibits a person from operating a motor vehicle, other than * an authorized emergency vehicle, while using a cellular or other mobile telephone (cellular phone), regardless of whether use of the cellular phone interferes with the operation of the vehicle. However, an operator may use a hands-free cellular phone and may use a cellular phone to report an emergency. Any person convicted of operating a motor vehicle while using a cellular phone may be required to forfeit not less than \$20 nor more than \$400.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 4 SECTION 1. 346.895 of the statutes is created to read:

ASSEMBLY BILL 240

SECTION 1

1 **346.895 Use of cellular telephone.** No person may operate a motor vehicle,
2 other than an authorized emergency vehicle, while using a cellular or other mobile
3 telephone unless one of the following applies:✓

4 (1) The operator of a motor vehicle may use a cellular or other mobile telephone
5 to report an emergency.

6 (2) The operator of a motor vehicle equipped with a cellular or other mobile
7 telephone device that allows the operator to talk and listen without holding the
8 telephone or its handset or receiver may utilize this device if the operator does not
9 hold or touch the telephone or its handset or receiver while operating the motor
10 vehicle except to enable the device, enter a telephone number, or hang up or turn off
11 the telephone.

12 **SECTION 2.** 346.95 (2) of the statutes is amended to read:

13 346.95 (2) Any person violating s. 346.89 (1), 346.895, or 346.94 (2), (4), or (7)
14 may be required to forfeit not less than \$20 nor more than \$400.

15 **SECTION 3. Effective date.**

16 (1) This act takes effect on the first day of the 4th month beginning after
17 publication.

18 (END)

D - Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0730/1dn

ARG: *KJF*

Date

+ JLD

ATTN: Jacque Dicks.

The attached draft is identical to 2001 AB²⁴⁰. If you would like any changes, please let me know.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0730/1dn
ARG:kjf&jld:jf

November 19, 2002

ATTN: Jacque Dicks

The attached draft is identical to 2001 AB-240. If you would like any changes, please let me know.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

LRB 0730
11/27/02

Telephone conference with Jacque Dicks in Rep. Owens office. Wants redraft of this bill. Wants to eliminate the hands-free exception.

ARG



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0730/11 2
ARG:kjf&jld:jf

soon
turned
in 11/27

RMR run

D-Note

2003 BILL

Regen

- 1 AN ACT *to amend* 346.95 (2); and *to create* 346.895 of the statutes; relating to:
- 2 operating a motor vehicle while using a cellular or other mobile telephone and
- 3 providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits inattentive driving, which means that a driver of a motor vehicle may not be so engaged or occupied as to interfere with the safe driving of the vehicle. Any person convicted of inattentive driving may be required to forfeit not less than \$20 nor more than \$400.

> This bill generally prohibits a person from operating a motor vehicle, other than
> an authorized emergency vehicle, while using a cellular or other mobile telephone
> (cellular phone), regardless of whether use of the cellular phone interferes with the
> operation of the vehicle. However, an operator ~~may use a hands-free cellular phone~~
> ~~and~~ may use a cellular phone to report an emergency. Any person convicted of
> operating a motor vehicle while using a cellular phone may be required to forfeit not
> less than \$20 nor more than \$400.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 4 SECTION 1. 346.895 of the statutes is created to read:

BILL

SECTION 1.

1 **346.895 Use of cellular telephone.** No person may operate a motor vehicle,
2 other than an authorized emergency vehicle, while using a cellular or other mobile
3 telephone unless one of the following applies. *✓, except* *NO #*

4 ~~The operator of a motor vehicle may use a cellular or other mobile telephone~~
5 to report an emergency.

6 (2) The operator of a motor vehicle equipped with a cellular or other mobile
7 telephone device that allows the operator to talk and listen without holding the
8 telephone or its handset or receiver may utilize this device if the operator does not
9 hold or touch the telephone or its handset or receiver while operating the motor
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15 **SECTION 3. Effective date.**

16 (1) This act takes effect on the first day of the 4th month beginning after
17 publication.

18 (END)

D-Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0730/2dn

ARG:.....

date

jud

ATTN: Jacque Dicks

The attached draft is identical to LRB-0730/1 except that it eliminates the hands-free[✓] cell phone exception.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0730/2dn
ARG:jld:rs

November 27, 2002

ATTN: Jacque Dicks

The attached draft is identical to LRB-0730/1 except that it eliminates the hands-free cell phone exception.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

November 27, 2002

MEMORANDUM

To: Representative Owens

From: Aaron R. Gary, Attorney

Re: LRB-0730/2 Prohibiting cell phone use while driving

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

☒ JACKET FOR ASSEMBLY ☐ JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 261-6926 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.